

Attorney Docket No. AUS920010327US1
Serial No. 09/903,724
Response to Office Action mailed April 6, 2006

II. REMARKS

1. The examiner rejected claims 1-36 under 35 U.S.C. 102(e) as being anticipated by Khan (2001/0056395) because Khan discloses, *inter alia*, a program to determine the pricing hint based on historical data (p. 1, 13 to p. 2, 16; p. 3, 63-65; p. 4, 70; and p. 14, 163-164), a program to determine the pricing hint based on current prices (same cites as for historical data); a program to provide the pricing hint based on market value (same cites as for historical data and current prices).

2. Applicant has amended claims 1-5, 8-14, 21, and 29-36. Claims 15-20 and 22-28 have been canceled. Claims 1-14, 21, and 29-36 are pending. Support for the amendments can be found in FIG. 8 and in the specification from page 10, line 9 to page 12, line 6.

3. In regard to Khan, applicant submits that Khan discloses a process in which a user is informed whether or not his bid has been accepted. Khan states: “[a]t the request of the Buyer, the system can provide assistance via prompts, pop-up messages and icons, thereby enabling Buyer to proceed with the bargaining process on his own” and “[a]ssistance from a system consultant is also provided upon Buyer request (0065:11-15).” Khan discloses a “business controller 2.0 assigned expert” that can “comprise a system generated assistant” and can comprise a “consultant, available on an on-line basis, to provide assistance or otherwise facilitate the bargaining process” (0070:3-9).

In regard to the Business Controller, Khan discloses “a modified bargain price modified product or service offering suggested by the Business Controller” (0095:8-10). Khan further discloses “additional bidding assistance” which applicant interprets to include: a “list of current bids,” “average bids submitted,” “comparative quotes submitted,” the “minimum bargain price,” and “suggested modification of the bidding price” (0163:15-25). Khan is directed to facilitating

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the negotiation process between a buyer and a seller, but in the assistance provided to either buyer or seller, Khan does not disclose the use of a "pricing hint" as disclosed and claimed by applicant, nor does Khan disclose a current price, a market price, and a historical price data base and nor programs to identify the pricing hint for the user based on such databases. Indeed, Khan is silent as to such types of advice to a participant in an on-line sale-offering.

Applicant submits that the amended claims, and those claims depending from the amended claims distinguish over the prior art, and are in condition for allowance.

Respectfully submitted,

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